

Bail Appln. No. 174/26  
DRI VS. OSITA MODETUS OBI

18.03.2026

Present: Ms. Mala Sharma, Ld. counsel for DRI.  
Sh. Harshkant Tiwary, Ld. Counsel for the  
applicant / accused.

This is an application u/s 483 BNSS for grant of regular bail moved on behalf of accused /applicant Osita Modetus Obi.

Reply to he application was filed on behalf of DRI.

1.0 It was argued on behalf of the applicant that he is innocent and was falsely implicated in this case. It was further argued that no recovery has been effected from the possession of the applicant / accused and that he was arrested merely on the basis of disclosure statement of co-accused and that the only connection between the accused persons has been alleged to be whatsapp chats. As such, it was prayed that the applicant be granted bail. In support of his argument, Ld. Counsel for the applicant relied upon *Naeem Ahmed @ Naim Ahmad Vs. Govt of NCT of Delhi*, Crl. Appeal No. 1247 of 2024 decided on 28.02.2024 and *Masoom Alam Vs. The State NCT of Delhi*, Bail Appln. No. 2969/25 decided on 10.10.2025 and *Jasbir Singh Vs. NCB*, Bail Appln. No. 1120/22 decided on 13.01.2023.

2.0 On the other hand, it was argued by Ld. SPP for DRI that the applicant has committed a grave offence and was involved in the conspiracy to smuggle contraband concealed in capsules. It was further argued that the accused is a foreign national with no roots in the society. It was argued that the present applicant and the

other accused Sheikh Mohammad were being instructed by the same handler and that incriminating material has been recovered from the mobile phones of both the accused persons. It was further argued that more than 1.5 kgs of Cocaine was smuggled into India which was meant to be delivered to the present applicant. It was further argued that bar of Section 37 NDPS Act is applicable and as such, the applicant is not entitled for grant of bail. Ld. SPP has relied upon judgments in *State of Madhya Pradesh Vs. Kajad*, JT 2001 (7) SC 560, *NCB Vs. Md. Nawaz Khan*, CrI. Appeal No. 1043 of 2021, *NCB Vs. Kashif*, CrI. Appeal No. 5544/2024 decided on 20.12.2024.

3.0 Arguments heard. Record perused.

4.0 As per the case of prosecution, acting on the basis of secret information, co-accused Sheikh Mohammad was apprehended and 92 capsules containing 1593 grams of Cocaine was recovered from his possession. The investigation revealed that the said contraband was to be delivered to the present applicant / accused at Dwarka, Sector 21 Metro Station. Investigation in the matter further revealed that the co accused Sheikh Mohammad was being instructed by one person 'Bro' and forensic examination of the mobile phone of co-accused Sheikh Mohammad revealed that he had shared his bank details with said Bro who had transferred an amount of Rs. 60,000/- in his bank account as commission. A trap was laid and when the present applicant reached at the aforesaid place, to take delivery of the contraband, he was intercepted and apprehended by the DRI officers. Forensic examination of mobile

phone of the present applicant revealed that he was also constantly in touch with the aforesaid person 'Bro' and the said number was found saved in the contact list of the present applicant as 'Emeka India'. Forensic examination of the phone of the present applicant further led to recovery of photograph of a woman whom the co-accused identified as the person who had handed over 92 capsules to him in Kathmandu.

4.1 Apart from the CDR connectivity between the accused persons, the handler of both the accused was same. The co-accused had smuggled more than 1.5 kgs of Cocaine into India which was meant to be delivered to the present applicant. The same handler had transferred Rs. 60,000/- into the account of co-accused and was constantly in touch of both the accused persons. The photograph of the woman who had handed over contraband substance to co-accused was also recovered from the mobile phone of the present applicant.

5.0 The above material gives rise to grave suspicion regarding involvement of the present applicant who is a foreign national, in the illicit drug trade whereby huge quantities of cocaine was smuggled into India. There is no change in circumstances since the dismissal of the first bail application of the applicant / accused vide order dated 23.04.2025. The trial in the matter is still going on and accused being a foreign national with no roots in the society is a flight risk, if granted bail. There is nothing to suggest that twin conditions of Section 37 NDPS have been overcome by the applicant. No ground is made out for grant

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of bail. Accordingly, **the bail application of accused Osita Modetus Obi is dismissed.**

Copy of the order be given dasti.

(Ajay Garg)  
Special Judge-NDPS/ASJ (South)  
Saket Courts/18.03.2026